IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1814 OF 2006
IN
WRIT PETITION NO.2646 OF 1998

Bhandekar Devrao Bhaiyaji ... Applicant

Vs.

The Commissioner for Co-operation and
Registrar of Co-operative Societies,
Maharashtra State, Pune. ... Respondents

Mr. V.B. Naik for the applicant.

Ms. Mohina Thakur, A.G.P. for respondents 1 to 4, 6 and 7 and respondents 1 to 7 in writ petition.

Mr. Vijay Patil for respondent 5.

Mr. K.S. Bapat for respondent 8.

**CORAM : SMT. RANJANA DESAI &
A.P. DESHPANDE, JJ.**

DATED : 3RD AUGUST, 2006.

P.C.:-

1. The applicant is original petitioner 8 in Writ Petition No.2646 of 1998. The said petition challenges the order dated 17/3/1998 passed by the Additional Registrar, Co-operative Societies, Maharashtra State, Pune, and the order dated 2/5/1998 passed by the Hon'ble Minister of Co-operation and Textiles Department confirming the order of disqualification passed under Section 78 of the Maharashtra Co-operative Societies Act. Respondents 8 to

19 are the petitioners in Writ Petition No.2646 of 1998. The said writ petition was admitted on 24/8/1998 by a detailed order by the learned single judge. The effect of this order was that the impugned order which sought to disqualify the applicant was stayed. It appears that thereafter, being aggrieved by the learned single judge's order, one Housefin Employees Trade Union filed Letters Patent Appeal No.244 of 1998. On 10/11/1998, this court disposed of the said letters patent appeal by an order modifying the order dated 24/8/1998 passed by the learned single judge to the extent that the Directors against whom the original order was passed by the Registrar of Co-operative Societies and confirmed in appeal, would not attend the meetings of the Board of Directors and would not take part in the functioning of the Society. It was, however, clarified that they would continue as Directors of the Society. It appears that during the interregnum, elections took place for the period 2000-2005 and a civil application came to be preferred for modification of order dated 10/11/1998 passed in the letters patent appeal. On 18/8/2000, the Division Bench of this court modified the said order. The Division Bench permitted the applicants to attend the meetings of the Board and to take part in the working of the Society. However, it was clarified that they shall not contest the election for the post of Chairman or Vice-Chairman of the Society.

2. In this civil application, the applicant is seeking a similar relief. According to him, fresh elections were held for the period 2005-2010 and he has been elected from Chandrapur Taluka on 30/5/2006. In view of this, the applicant is seeking a similar modification of the order dated 10/11/1998. In

the circumstances of the case, we see no reason why the order dated 10/11/1998 should not be modified to that extent. Hence, the following order.

O R D E R

3. The order dated 10/11/1998 is modified inasmuch as the applicant is permitted to attend the meetings of the Board and to take part in the working of the Society. However, he shall not contest the election for the post of Chairman or Vice-Chairman of the Society. Needless to say that this order will be subject to the result of the writ petition.

4. Civil application is disposed of.

[SMT. RANJANA DESAI, J.]

[A.P. DESHPANDE, J.]